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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,706	12/06/2000	Hidetoshi Fukuoka	M1989-8	7997

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EXAMINER
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SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 11/28/2001

3

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant N .

09/730,706

Applicant(s)

FUKUOKA ET AL.

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

- ✓ 2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 49(page 9, line 2).  
Correction is required.
- ✓ 3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "78" has been used to designate both 'hollow axle'(page 11, line 20) and 'hollow shaft'(page 13, line 17). Correction is required.

### *Specification*

4. The disclosure is objected to because of the following informalities:

Exemplary of such:

- ✓ Page 12, line 14, 'A n' should be replaced with 'An';  
✓ Line 25, '81is' should be replaced with '81 is'.
- ✓ Page 13, line 17, 'are pass' should be replaced with 'pass'.

Appropriate correction is required.

- ✓ 5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tapp.

Tapp discloses a vacuum cleaner body containing a motorized fan (fig. 1, #26,27).

Tapp discloses a floor suction tool (fig. 1, #17).

Tapp discloses a rotation brush in the tool (fig. 4, #36).

Tapp discloses a motor in the tool for rotating the brush (fig. 4, #35).

Tapp discloses an air circulation exhaust path from the body to the tool (fig. 4, arrows).

Tapp discloses the air circulation exhaust path including an air filter (fig. 2, #25).

Tapp discloses electric lines from the body to the motor, passing along the air circulation exhaust path (col. 3, lines 47-49, fig. 4, #39,38).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA977910 in view of Tapp.

CA977910 discloses a similar device however fails to disclose an agitator motor.

CA977910 discloses a vacuum cleaner body containing a motorized fan (fig. 1, #1, claim 1, preamble).

CA977910 discloses a floor suction tool (fig. 1, #4).

CA977910 discloses a rotation brush in the tool (fig. 2a, #11).

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Tapp discloses a motor in the tool for rotating the brush (fig. 4, #35). It would have been obvious to one of ordinary skill in the art to provide the motor of Tapp in CA977910 to allow for continually rotation of the brush for the most effective agitation.

CA977910 discloses an air circulation exhaust path from the body to the tool (page 1, lines 15-16, page 3, lines 17-24).

CA977910 discloses the air circulation exhaust path including an air filter (page 1, lines 5-6).

Tapp discloses electric lines from the body to the motor, passing along the air circulation exhaust path(col. 3, lines 47-49, fig. 4, #39,38).

With respect to claim 2, CA977910 discloses a flexible hose connected to the body, an extension pipe connected between the hose and the tool and the exhaust path passing from the body, along the hose and pipe to the tool (fig. 1, #1,8,2,9,4).

12. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA977910 in view of Tapp as applied to claim1 above, and further in view of Oka et al..

CA977910 discloses a similar device however fails to disclose directing of the exhaust onto the brush.

Oka et al. discloses directing exhaust along a rotation brush (abstract). It would have been obvious to one of ordinary skill in the art to provide the exhaust direction of Oka et al. in CA977910 in view of Tapp to allow for the most effective suctioning of dirt from a surface.

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It would have been obvious to one of ordinary skill in the art to determine the most appropriate direction in CA977910 in view of Tapp and Oka et al. to allow for the most effective cleaning.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over CA977910 in view of Tapp as applied to claim 1 above, and further in view of CA972510.

CA977910 in view of Tapp discloses a similar device however fails to disclose a pivoting pipe.

CA972510 discloses a vacuum cleaner having an exhaust path which uses a pivoting pipe (page 6, lines 7-10). It would have been obvious to one of ordinary skill in the art to provide the pivoting pipe of CA972510 in CA977910 in view of Tapp to allow for ease in maneuvering the toll to various locations. It further would have been obvious to one of ordinary skill in the art to ensure for pivoting in CA977910 in view of Tapp and CA972510 that would not cause the motor wires to be disconnected during use.

### *Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alcala, Inoue et al. and Johnson et al. disclose vacuum cleaners having a motor for the fan and one for the agitator. Takemoto et al. discloses a vacuum cleaner which recirculates and filters its exhaust.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

TTS

Theresa T. Snider  
Examiner  
Art Unit 1744

TTS  
November 13, 2001